

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MARY PECK, MICHAEL SCULLI, and  
CAROLYN PROPER, On behalf of  
themselves and all others similarly situated,

Plaintiffs,

DECISION AND ORDER

11-CV-6545L

v.

HILLSIDE CHILDREN'S CENTER and  
HILLSIDE FAMILY OF AGENCIES,

Defendants.

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Presently before this Court is defendants' motion to dismiss plaintiffs' complaint for failure to state a claim upon which relief can be granted pursuant to FED. R. CIV. P. 12(b)(6) and 8(a).

IT IS HEREBY ORDERED that, upon the review of defendants' memorandum of law in support of the motion to dismiss, plaintiffs' memorandum of opposition thereto, and defendants' reply memorandum, and oral argument having been heard, defendants' motion to dismiss (Dkt. #5) is denied without prejudice.

Plaintiffs shall have until October 26, 2012 to file an amended complaint. (FED. R. CIV. P. 15(a)(2)).

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
October 1, 2012